

Office of Consumer Protection Performance Plan

Eric Friedman, Director
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CountyStat Principles

- **Require Data Driven Performance**
- **Promote Strategic Governance**
- **Increase Government Transparency**
- **Foster a Culture of Accountability**



Agenda

- **Welcome and Introductions**
- **OCP At-A-Glance**
- **Headline Measures**
- **Wrap-up**



OCP's Contribution to Montgomery Results

- **A Responsive and Accountable County Government**
- Affordable Housing in an Inclusive Community
- An Effective and Efficient Transportation Network
- Children Prepared to Live and Learn
- Healthy and Sustainable Communities
- Safe Streets and Secure Neighborhoods
- **A Strong and Vibrant Economy**
- **Vital Living for all of Our Residents**



Agenda

- Welcome and Introductions
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OCP At-A-Glance

| What OCP Does and for Whom | How Much |
|---|--|
| <p><u>Overall</u></p> <p>The mission of the Office of Consumer Protection is to investigate and attempt to resolve consumer complaints concerning home sales, improvements and mortgages; automobile sales and repairs; and other merchants and service providers in a manner that is both timely and fair.</p> | <p>FY09 Budget: \$ 2.62 million</p> <p>WYs: 21.3 (21 full time, 1 part time positions)</p> |
| <p><u>Complaint Investigation and Conciliation</u></p> <p>OCP receives inquiries and written complaints from consumers regarding a myriad of consumer transactions. Responses to inquiries are provided and written complaints are investigated in an effort to resolve disputes and ensure compliance with applicable laws.</p> | <ul style="list-style-type: none"> ▪ \$.87 million (32% of budget) ▪ 6.9 WYs (32% of personnel) |
| <p><u>Law Enforcement</u></p> <p>OCP issues subpoenas and civil citations, executes settlement agreements, conducts administrative hearings, initiates legal action, and collaborates with state and federal law enforcement agencies.</p> | <ul style="list-style-type: none"> ▪ \$.57 million (21% of budget) ▪ 4.7 WYs (22% of personnel) |



OCP At-A-Glance

| What OCP Does and for Whom | How Much |
|---|--|
| <p><u>Consumer Education</u></p> <p>OCP leverages its ability to educate consumers by communicating via radio, television, and electronic and print media. OCP issues news releases, provides media requested interviews, and conducts presentation, public forums, and training sessions.</p> | <ul style="list-style-type: none">▪ \$.75 million (28% of budget)▪ 6.1 WYs (29% of personnel) |
| <p><u>Non-Core Mission Activities</u></p> <p>OCP administers a variety of consumer related programs, including serving as staff to the Commission on Common Ownership Communities (CCOC) which provides an alternative dispute resolution mechanism for the one-third of county residents within home owner associations and condominium associations.</p> | <ul style="list-style-type: none">▪ \$.46 million (18% of budget)▪ 3.6 WYs (17% of personnel) |



Organization Structure

OFFICE OF CONSUMER PROTECTION (OCP)

Ensuring Integrity in our Marketplace

OFFICE OF THE DIRECTOR

Special Projects
Media/Communications
Legislation
Consumer Outreach
Program Measures
Estimated Property Tax Disclosure Initiative (Bill #24-07)

Automotive/General Unit

Automotive Investigations
General Investigations
Staff to Commission on Common Ownership Communities
Staff to Advisory Committee on Consumer Protection
Trespass/Impound Towing Regulations
Annual Gift Card Study

Real Property/Retail Unit

Real Property Investigations
Retail Investigations
Staff to Board of Builders' Registration
Business Eviction Response Team (BERT)*
Volunteer and Intern Program
Domestic Workers Initiative (Bill #2-08)
Energy and Environmental Advocacy (Bill #35-07)

Administrative Operations Unit

Budget and Financial Services
Human Resources and Staff Training
Small Business Licensing Program
Customer Service
Contract Administration
Information and Technology Initiatives

*2008 National Association of Counties (NACo) Recognition Award



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Headline Measures

1. Estimated average restitution per consumer complaint
2. Average customer satisfaction rating
3. Average time to investigate and close a written complaint
4. Percent of cases closed that are resolved by OCP
5. Media coverage: Percent of news releases receiving media coverage/number of times media outlets seek out OCP's expertise
6. Percent of CCOC cases resolved through mediation

All OCP measures are currently under construction as the department works to improve its ability to electronically collect performance data.



Comparison of Headlines Measures to OCP Functions

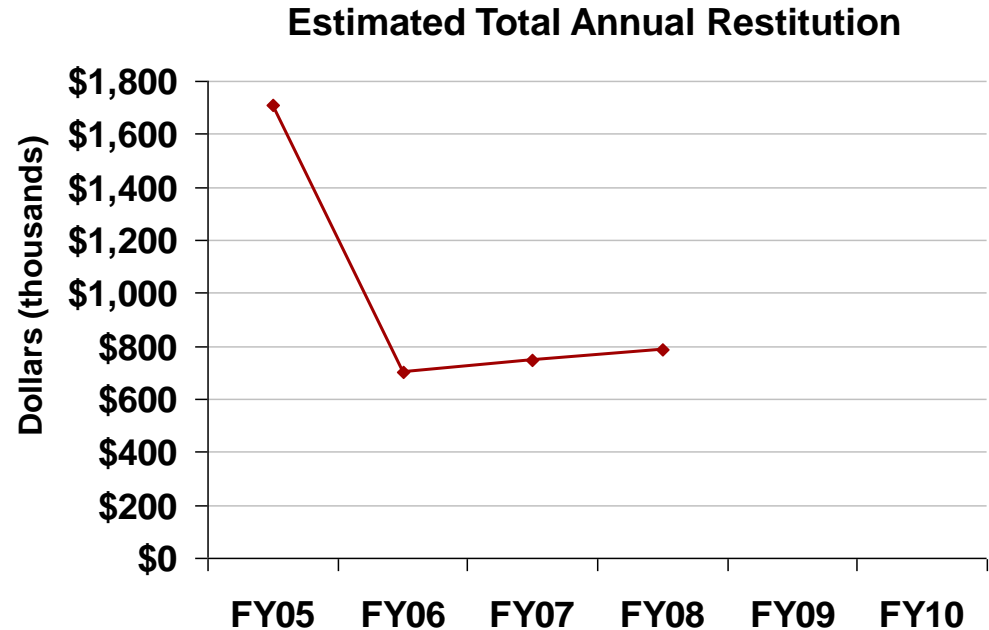
| | Measure # | | | | | |
|--|-----------|----------|----------|----------|----------|----------|
| | 1 | 2 | 3 | 4 | 5 | 6 |
| Complaint Investigation and Conciliation | X | X | X | X | | |
| Law Enforcement | X | X | X | X | | |
| Consumer Education | | | | | X | |
| Non-Core Mission Activities | | | | | | X |



Headline Measure 1: Estimated average restitution per consumer complaint

Under Construction

Objective: This represents the estimated total value of refunds, services performed, or financial relief to the consumer for which OCP assistance contributed significantly to the outcome divided by total resolved complaints. It is the monetary representation of OCP's assistance with respect to the individual claims portion of each complaint.



Note: This data is solely the estimated total restitution for all consumer complaints. The amount of estimated restitution per complaint is currently unavailable.

This is one measure of OCP effectiveness for which aggrieved consumers receive direct results.



Headline Measure 1: Estimated average restitution per consumer complaint

Under Construction

What constitutes good performance for this measure?

- Estimated average restitution should **increase and then remain relatively constant**, allowing for occasional spikes resulting from OCP resolving high value individual complaints or class-action type cases that can distort the measurement

Contributing Factors

- OCP staff are highly adept at negotiating settlements and fashioning resolutions to disputes
- Cases are generally assigned to investigators based upon expertise and OCP is able to utilize various administrative resources to investigate and resolve complaints

Restricting Factors

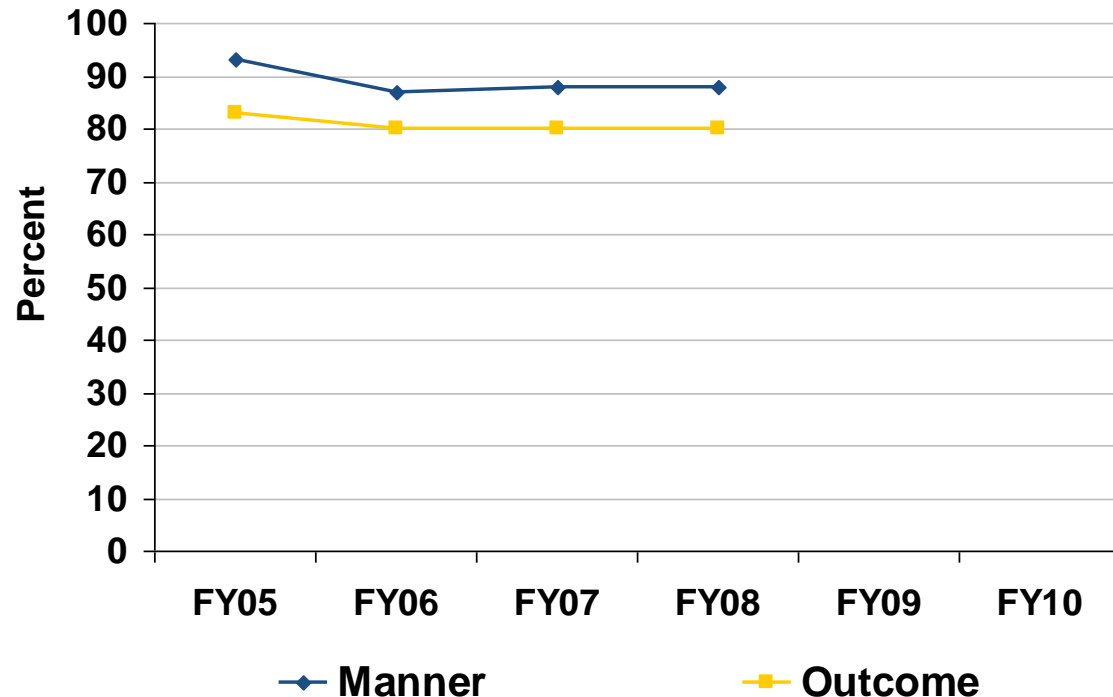
- Obtaining agreement from a merchant to terminate an egregious deceptive trade practice may be a major accomplishment but may not directly correlate to a monetary benefit to a consumer.
- A deceptive trade practice may only involve a modest amount of money for each consumer but may affect many consumers



Headline Measure 2: Average customer satisfaction rating

Under Construction

Objective: Evaluating customer satisfaction through means of a survey will provide further information to improve customer service and work processes



CountyStat worked with OCP to modify its survey process to improve data collection and survey results.



Headline Measure 2: Average customer satisfaction rating

Under Construction

What constitutes good performance for this measure?

- Average customer satisfaction with the manner in which a complaint was handled should **increase slightly and then remain higher** than satisfaction with outcome over time
- Average customer satisfaction with the outcome of a complaint should **increase slightly** over time

Contributing Factors

- Staff is professional and efficient
- Emphasis on customer service
- Staff maintains a working knowledge of relevant consumer protection laws and maintains contacts with key business representatives

Restricting Factors

- Sometimes OCP is unable to resolve a complaint to the consumer's satisfaction due to factors outside its control



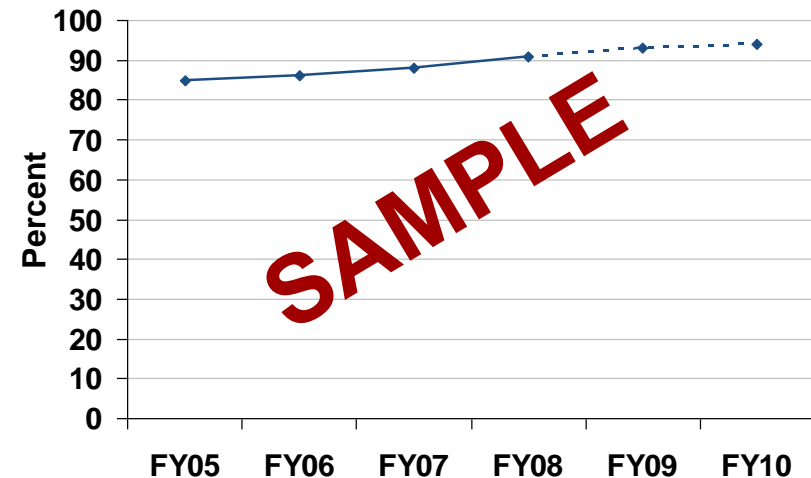
Headline Measure 3: Percent of cases closed that are resolved by OCP

Under Construction

Objective: By evaluating cases closed by OCP, it will be able to determine what portion of cases are resolved to the consumer's satisfaction in-house

“Resolved” case types will be aggregated and will include:

- Refund
- Service performed or corrected
- Goods delivered or replaced
- Acceptable explanation
- Merchant agreed to change practice
- Consumer obtained other requested relief or complaint filed for the record only
- Arbitration



This measure will capture the proportion of cases that can be resolved without referral to another agency.



Headline Measure 3: Percent of cases closed that are resolved by OCP

Under Construction

What constitutes good performance for this measure?

- Percent of cases closed that are resolved by OCP should **increase** over time

Contributing Factors

- Cases are assigned based on expertise
- Staff maintains a working knowledge of relevant consumer protection laws and maintains contacts with key business representatives

Restricting Factors

- OCP's jurisdiction is broad and staff must be able to handle many different types of consumer transactions
- Limited resources at the State and Federal level as resulted in increased demand for OCP services
- Some cases are more appropriately referred to another agency



Headline Measure 4: Average time to investigate and close a written complaint

Under Construction

Objective: By evaluating how long it takes to close consumer complaints, OCP will be able to determine the timeliness of responding to residents' concerns

Strategy to implement measure:

1. Complaint information will be collected by OCP, including client information, nature of the complaint, date case opened and closed, and amount of restitution, if applicable
2. To distinguish cases of different magnitudes, complaints will be classified under 1 of 4 categories regarding the dollar amount in controversy
3. Report data on an annual basis

| \$ Amount | # of Cases | Average Time to Close |
|-----------------|------------|-----------------------|
| <\$100 | | |
| \$101-\$1,000 | | |
| \$1,001-\$5,000 | | |
| >\$5,000 | | |
| N/A* | | |

*Note: Some cases concern a business practice for which a monetary value cannot be established

By coding complaints by the dollar amount in controversy, the general principle that all complaints do not require the same amount of work will be reflected.



Headline Measure 4: Average time to investigate and close a written complaint

Under Construction

What constitutes good performance for this measure?

- Average time to investigate and close a written complaint should **decrease** over time, keeping in mind the differences in dollar amount between cases, which may indicate case complexity

Contributing Factors

- Cases are assigned based on expertise
- Staff maintains a working knowledge of relevant consumer protection laws and maintains contacts with key business representatives

Restricting Factors

- OCP's jurisdiction is broad and staff must be able to handle many different types of consumer transactions
- Limited resources at the State and Federal level has resulted in increased demand for OCP services



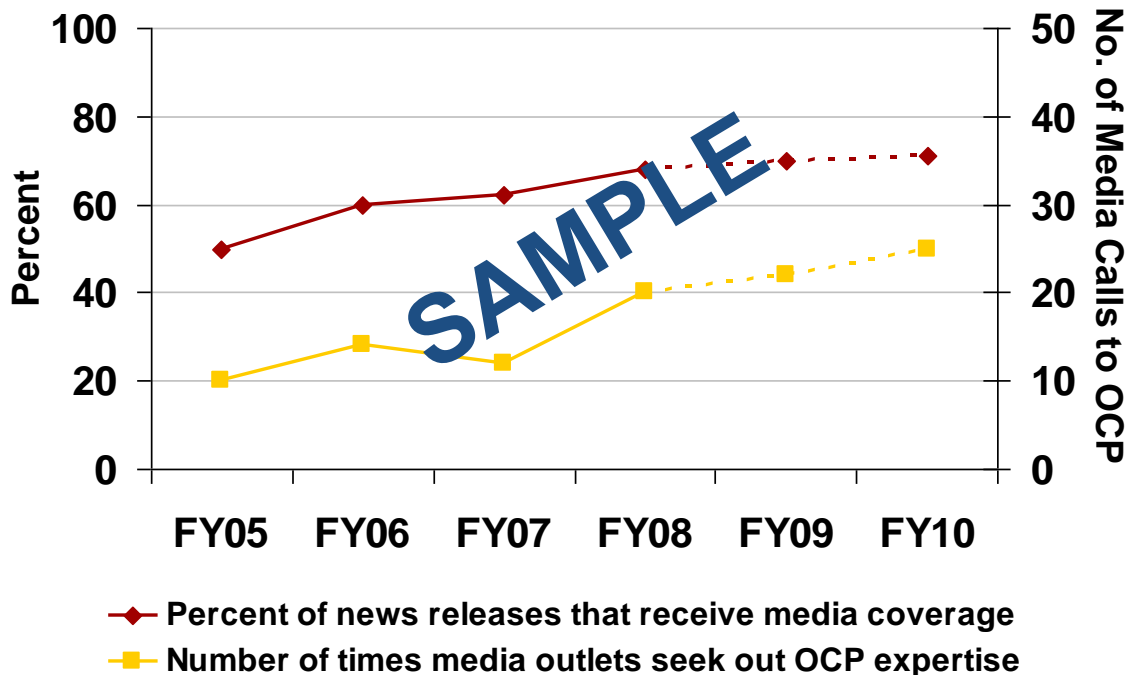
Headline Measure 5: Media coverage

Percent of news releases that receive media coverage

Number of times media outlets seek out OCP expertise

Under Construction

Objective: Evaluating media coverage will provide useful information on OCP's ability to leverage its ability to educate consumers by communicating via radio, television, and electronic and print media



This measure quantifies OCP's ability to disseminate consumer protection information via the media, which is one component of its consumer education function.



Headline Measure 5: Media coverage

Percent of news releases that receive media coverage

Number of times media outlets seek out OCP expertise

Under Construction

What constitutes good performance for this measure?

- Percent of news releases that receive media coverage should **increase** over time
- Number of times media outlets seek out OCP expertise should **increase** over time

Contributing Factors

- OCP has a longstanding commitment to work with news media to educate and warn consumers

Restricting Factors

- Consumer protection issues compete with other news items for air time and column inches



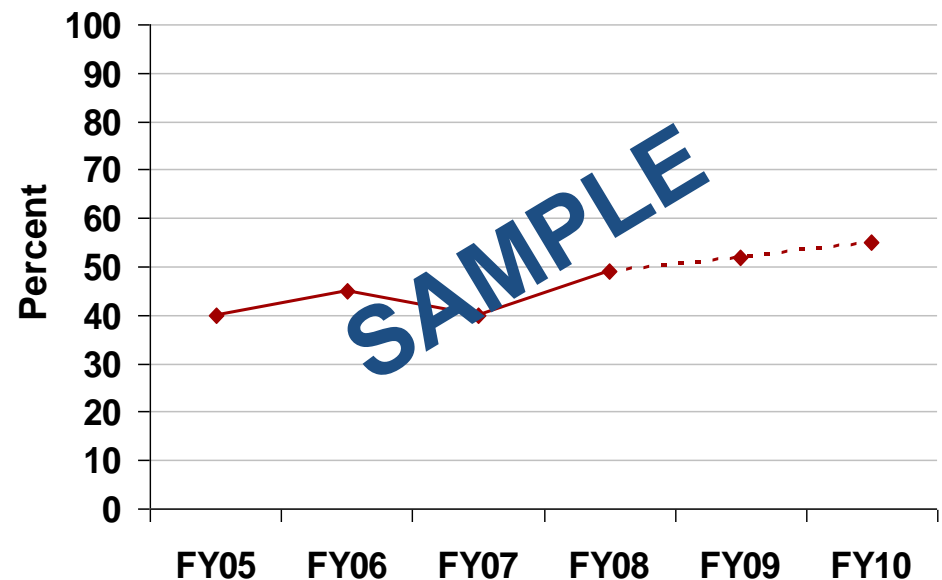
Headline Measure 6: Percent of CCOC cases that are resolved through mediation

Under Construction

The Commission on Common Ownership Communities

(CCOC) provides owners, tenants, residents, boards of directors, and management companies of self-governing residential communities with information, assistance, and impartial dispute resolution programs

Objective: Evaluating CCOC cases in this way will allow OCP to determine its success in helping parties resolve their concerns prior to a hearing and further escalation of their case



The CCOC is the largest component of OCP's non-core mission activities.



Headline Measure 6: Percent of CCOC cases that are resolved through mediation

Under Construction

What constitutes good performance for this measure?

- Percent of cases resolved through mediation should **increase**

Contributing Factors

- A holistic approach to problem solving generally provides superior results

Restricting Factors

- Disputes between COCs and their governing boards can escalate from small matters into major problems
- The number of residents living in COCs continues to rise



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Wrap-Up

- **Confirmation of follow-up items**
- **Time frame for next meeting**

